

### REMARKS

In view of the above amendments and the following remarks, reconsideration and allowance of this application are respectfully requested. Claims 1-5, 7-14, 16, and 21-36 are pending in this case, with claims 1, 11, 23, and 30 being independent. Claims 1, 5, 7, 11, 12, 14, and 16 have been amended, claims 6, 15, and 17-20 have been cancelled, and claims 21-35 have been added.

The Office Action indicates that claims 12 and 14-16 will be objected to under double patenting if claims 3 and 5-7 are found allowable. Applicant submits that the amendments to claims 12, 14, and 16 and the cancellation of claims 6 and 15 obviate this potential objection.

The Office Action rejects claims 1, 2, 5-11, and 14-16 as obvious over U.S. Patent No. 3,368,814 (Kolwicz) in view of U.S. Patent No. 5,769,424 (Kelly). The Office Action also rejects claims 3, 4, 12, 13, and 17-20 as obvious over Kolwicz and Kelly, further in view of U.S. Patent No. 2,926,915 (Johns). Applicants respectfully request reconsideration and withdrawal of these rejections.

As amended, independent claim 1 recites, in part, that the base unit, target area, and launch area are sized for table-top play of the game. Similarly, amended independent claim recites, in part, that the base unit, the target area, and the means for receiving a playing piece are sized for table-top play of the game.

The Office Action contends that Figure 1 of Kolwicz shows a base unit, a target area, and a launch area. Office Action, Page 3, Lines 3-4. Even if this is the case, however, Kolwicz does not describe or suggest that these items are sized for table-top play of Kolwicz's game. Rather, the game of Figure 1 in Kolwicz is "particularly adaptable to commercial applications, that is for use in establishments which cater to the entertainment of the public." Kolwicz, Col. 2, Lines 22-23. In other words, Kolwicz's game in Figure 1 is an arcade game designed for arcade-style environments. Games in arcade-style environments are not sized for table-top play, but, rather, are significantly larger. Thus, Kolwicz does not describe the game shown in Figure 1 as being sized for table-top play and, in fact, teaches the opposite because the game is designed for arcade style environments.

The version of Kolwicz's game shown in Figure 6 is "adapted particularly for home use." Kolwicz, Col. 4, Lines 48-49. However, Kolwicz does not describe or suggest that this version is sized for table-top play. Kolwicz describes two modifications to the game to make it suitable for home use, neither of which includes sizing the components for table-top play. In particular, one of the modifications includes removing the base portion 15 with upstanding obstacles 28 "such that the element of chance is not present . . . in the interest of conserving space." Kolwicz, Col 4, Lines 72-74. The other modification includes making "[t]he miniature trampoline separate from the target member" so that the game "can be packed relatively compactly." See Kolwicz, Col. 4, Lines 51-52 and Lines 60-62. Accordingly, Kolwicz seeks to adapt the arcade version for home use simply by removing elements to conserve space and separating elements to allow the game to be packed more compactly, not by sizing components of the game for table-top play. Thus, Kolwicz does not explicitly teach that the components of the game shown in Figure 6 are sized for table-top play and none of the described adaptations suggest that the components should be reduced in size for table-top play.

Neither Kelly nor Johns remedies this deficiency of Kolwicz as both of those references also are directed to games for use in arcade-style environments.

Therefore, Applicants submit Kolwicz, Kelly, and Johns, either alone or in combination, do not provide for all of the features of independent claims 1 and 11. Accordingly, independent claims 1 and 11, and those claims that depend from them, are allowable over Kolwicz, Kelly, and Johns at least for the foregoing reasons.

Applicants also submit that newly added claims 23-36 are patentable over Kolwicz, Kelly, and Johns.

New independent claim 23 is directed to a game that includes a base unit. A target area is attached to the base unit and has multiple target sections. Each target section includes an aperture. A launch area also is attached to the base unit. The launch area is configured such that a playing piece tossed onto the launch area bounces into one of the multiple target sections and passes through the corresponding aperture of the target section. At least one sensor is configured to detect when a playing piece passes through one of the apertures. The game also includes an

input and an electronic controller. The input is configured to allow a player to select one of at least two game modes. Each of the two game modes has a different objective for game play. The electronic controller is operatively connected to the input and the sensor to control game play according to a game mode selected by the player.

Kolwicz does not describe or suggest a game that has an input that allows a player to select one of at least two game modes, where each of the two game modes has a different objective for game play. Kolwicz's game has a single mode of play with a single objective. In Kolwicz, the game's objective is to score the most points by getting the balls into the highest scoring target zone. Kolwicz, Col. 4, Lines 9-25. Neither Kelly nor Johns remedies this deficiency. In Kelly, there is a single game mode with a single objective, namely, to consecutively stack balls in channel 40. Kelly, Col. 5, Lines 46-51. Likewise, Johns describes a single game mode and objective that is to score the most points by getting the balls into the highest scoring target zone. Johns, Col. 2, Lines 18-27.

Therefore, Applicants submit Kolwicz, Kelly, and Johns, either alone or in combination, do not provide for all of the features of independent claim 23. Accordingly, independent claim 23, and those claims that depend from it, are allowable over Kolwicz, Kelly, and Johns at least for the foregoing reasons.

New independent claim 29 is directed to a game that includes a base unit. A target area is attached to the base unit and has multiple target sections. Each target section includes an aperture. A launch area also is attached to the base unit and is configured such that playing pieces tossed onto the launch area bounce into one of the multiple target sections and pass through the corresponding aperture of the target section. The game also includes a tray having a single holding area attached to the base such that the playing pieces return directly to the single holding area after passing through any of the apertures. An electronic controller is configured to monitor the target sections and control game play.

Kolwicz does not describe or suggest a game that has a tray having a single holding area attached to the base such that the playing pieces return directly to the single holding area after passing through any of the apertures. Rather, in Kolwicz's games, balls are returned to "scoring


lanes formed by divider members 27" (Fig. 1) or scoring lanes 31, 32, and 33 (Fig. 6). Kolwicz, Col. 4, Lines 19-20. In the version of Figure 8, "[the] nets may be tied at the bottoms to retain the balls . . . or left open with a return chute (not shown) positioned beneath the various nets and forming return lanes." Kolwicz, Col. 5, Lines 21-24. Figure 5 does not show return lanes simply because "parts have been omitted for purposes of illustration." Kolwicz, Col. 4, Lines 32-33. Figure 5 is directed to describing a variation of the game in "the leg members 5 and 6 of the miniature trampoline-type structure are constructed of resilient springs," not for any variation of how the balls are returned after passing through an aperture. Kolwicz, Col. 5, Lines 34-35. Consequently, Kolwicz does not describe or suggest providing a single holding area to which playing pieces are directly returned after passing through any of the apertures. Furthermore, Applicants submit that neither Kelly nor Johns provides any motivation for modifying Kolwicz in such a manner.

Therefore, Kolwicz, Kelly, and Johns, either alone or in combination, do not provide for the features of independent claim 29. Accordingly, independent claim 29, and those claims that depend from it, are allowable over Kolwicz, Kelly, and Johns at least for the foregoing reasons.

Enclosed is a \$266.00 check for excess claim fees. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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